

(Terry P. Abeyta)
 Abeyta Nelson P.C.
 1102 West Yakima Avenue
 Yakima, WA 98902-3029
 509.575.1588

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF WASHINGTON**

**SIMON L. SAMPSON, as Personal
 Representative, of the Estate of RICKY
 O. SAMPSON,**

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

NO. CV-05-3103-FVS

PROTECTIVE ORDER

This matter having come before the Court on the motion of the Plaintiff with the agreement of the government's counsel, and the Court having fully considered the matter,

IT IS HEREBY ORDERED that any records produced by the Department of Children and Family Services (DCFS) of the Confederated Tribes of the Umatilla Indian Reservation, to any party in this action, shall be subject to a protective order.

Because these records are subject to discovery provisions in the Federal Rules of Civil Procedure, Rule 26, along with cases decided thereunder, and are or may be subject to confidentiality provisions of Title 18 United States Code, § 1169 (concerning reporting of child abuse) and § 3509 (child victims' and child witnesses' rights), and the Health Insurance Portability and Accountability Act, 42 U.S.C. §§ 1301, et seq. (protected health information), and the Court having taken judicial notice of the especially sensitive content of these requested records,

IT IS HEREBY ORDERED that the provision of the requested documents by DCFS to Abeyta Nelson, Attorneys for the Plaintiff, 1102 West Yakima Avenue, Yakima, Washington, 98902-3029, is **SUBJECT TO THE FOLLOWING RESTRICTIONS:**

- 1 1. A copy of this Protective Order shall be included with any copies of records
2 provided to any party or other person involved with the above-captioned
3 proceeding.
- 4 2. All records obtained under this order shall be in the constructive custody of
5 the Court. Any and all records, including copies thereof, retained by the
6 Counsel for any party for appeal proceedings shall be sealed and shall remain
7 confidential and subject to the provisions of the Court's Protective Order.
- 8 3. Records obtained under this Protective Order may not be viewed or otherwise
9 used except in connection with representation of a party in the above-captioned
10 proceeding. Any other use or viewing of these records is not authorized and
11 shall be deemed a violation of this Protective Order.
- 12 4. Counsel appearing and presenting this Protective Order for the Court's
13 signature shall have notified all other counsel of record in this proceeding and
14 the Records Custodian of DCFS.
- 15 5. Abeyta Nelson shall return to DCFS all protected health information provided
16 by DCFS to Abeyta Nelson and all copies of such documents. Such
17 documents shall be returned to DCFS Records Custodian, CTUIR, P.O. Box
18 638, Pendleton, Oregon, 97801.

19 DONE IN OPEN COURT: January 25, 2007.

20 s/ Fred Van Sickle

21 FRED VAN SICKLE
22 UNITED STATES DISTRICT JUDGE
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